

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25708)

IRISH BEACH IMPROVEMENT CLUB)

Applicant)

IRISH BEACH WATER DISTRICT)

Protestant)

Decision: 1549

Source : Unnamed Stream

County : Mendocino

DECISION APPROVING APPLICATION 25708

BY THE BOARD:

The Irish Beach Improvement Club having filed Application 25708 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds, as follows:

Substance of Application

1. Application 25708 is for 14.5 acre-feet per annum (afa) by storage from an unnamed stream (also known as Moores Creek) tributary to Irish Gulch thence Pacific Ocean. The diversion season is from November 1 to March 31 and the point of diversion is located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T13N, R16W, MDB&M. The water is to be used for recreation and fire protection purposes.

Applicant's Project

2. The applicant proposes to construct an earthfill dam about 250 feet long and 12 feet high to form a reservoir with a surface area of about three acres and a capacity of 14.5 acre-feet. The applicant plans to develop the area for fishing, swimming, and daytime picnicking by Club members. The area is within the Irish Beach Water District service area. The Club members are currently using a downstream reservoir for these same purposes. This reservoir is authorized by licensed Application 21901 held by the Irish Beach Water District. The District's water supply comes from other sources. Application 25708 was filed to provide Club members their own recreational reservoir.

Protests

3. The application was protested by Irish Beach Water District, Lorraine Linscheid, and Keijo and Arline Hardy. The District protest is based on its belief that all water rights within the District's geographical boundaries should be vested in the District. The District holds licensed Application 21901 for fire protection and recreational uses, on the existing reservoir downstream from the proposed project. The protest alleges that the Club's recreational uses could pollute water flowing through the District's reservoir to downstream domestic water users. They allege that the responsibility and cost for eliminating any pollution would undoubtedly involve the District. The protest states further that if an emergency or drought situation required use of water from the Club's lake, there could be a problem of obtaining permission or in having to pay the Club for such use. Although the District's reservoir is presently being used for recreational purposes by Club members,

there is no evidence of a water quality problem resulting from the operation and maintenance of the existing reservoir. Operation of the new proposed reservoir should not increase the possibility of pollution since the type of recreational use will not change from present conditions.

There is no evidence that approval of Application 25708 will have any adverse effect on the rights of the District. Lack of unappropriated water was not alleged in the protest.

4. Protests by Lorraine Linscheid and Keijo and Arline Hardy alleged possible contamination from the project to their domestic water supply. Both protestants agreed to have their protests dismissed when the Club agreed not to use the water in Moores Creek in a manner other than their present use.

Availability of Unappropriated Water

5. The watershed contributing to the applicant's project has a drainage area of about 130 acres. The average annual rainfall in this area is 50 inches. The total runoff to the applicant's reservoir is estimated to be about 220 afa. This is ample to satisfy the existing vested water rights as well as the appropriation requested under Application 25708. Representatives for the District agreed that there is sufficient unappropriated water to satisfy the proposed appropriation.

6. The intended use is beneficial.

Environmental Consideration

7. This Board decision authorizes the collection to storage of water in a small proposed reservoir for recreation and fire protection. This activity

involves minor alterations in the condition of land, water, and vegetation. Such activity is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Record in this Matter

8. The record, documents, and other data relied upon in determining this matter are: Licensed Application 21901 and Application 25708 and all relevant information on file therewith, especially the Report of Field Investigation and Engineering Staff Analysis dated October 29, 1979; topographic maps published by the United States Geological Survey covering the watershed and project area.

Conclusions

9. From the foregoing findings, the Board concludes that Application 25708 should be approved and a permit issued to the applicant subject to the conditions in the order following:

ORDER

IT IS HEREBY ORDERED that Application 25708 be approved and a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 7, 10, 11, 12, and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 14.5 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year.

* The Board maintains a list of standard permit terms.
Copies may be obtained upon request.

2. Construction work shall be completed on or before December 1, 1982.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1983.

4. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the diversion season.

5. Permittee shall install and maintain an outlet pipe of adequate capacity in its dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

6. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, North Coast Region, or by the State Water Resources Control Board.

Dated: December 20, 1979

/S/ CARLA M. BARD
Carla M. Bard, Chairwoman

/S/ WILLIAM J. MILLER
William J. Miller, Vice Chairman

/S/ L. L. MITCHELL
L. L. Mitchell, Member

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
REPORT OF FIELD INVESTIGATION AND
ENGINEERING STAFF ANALYSIS OF RECORD

APPLICATION 25708
UNNAMED STREAM IN MENDOCINO COUNTY

A field investigation under proceedings in lieu of hearing was conducted on July 16, 1979, in the matter of Application 25708 of the Irish Beach Improvement Club (Club) to appropriate from an unnamed stream tributary to Irish Gulch in Mendocino County. Those present at the investigation were:

Jack Swartz - Club President	Representing Applicant
Robert B. Daugherty - President, Irish Beach Water District (District)	Representing Protestant
Charles Linville - Vice President, District	Representing Protestant
Jack Acquistopace - System Manager, District	Representing Protestant
Arline Hardy - Downstream Water User	Interested Party
L. Keith Bieg	Representing the Division of Water Rights

The investigation included an inspection of the applicant's project and a discussion of the issues with those present at the investigation.

Substance of the Application

Date Filed	: March 29, 1978
Source	: Unnamed stream (aka Moores Creek)
Tributary To	: Irish Gulch thence Pacific Ocean
County	: Mendocino
Quantity	: 14.5 acre-feet per annum (afa)
Season	: November 1 to March 31
Purposes	: Recreation and fire protection
Point of Diversion	: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T13N, R16W, MDB&M
Place of Use	: At the reservoir

Applicant's Project

The applicant proposes to construct a 12-foot high earthfill dam on an unnamed stream known locally as Moores Creek. The dam is to be used for recreation and fire protection purposes. The applicant plans to develop the area for fishing, swimming and daytime picnicking by Club members.

The Club believes that title to the existing dam is vested in Mendocino Coast Properties, and has an exclusive lease to the land for recreational purposes. There is a provision in the lease to convey title to this dam to the Club in the near future. When the proposed reservoir under Application 25708 is built, they plan to drain and clean the existing reservoir.

Protests

The District protested Application 25708 on the basis of its licensed Application 21901 (License 10564). It claims that the existing reservoir that is claimed by the Club actually belongs to the District. The dam was built in 1964, and the reservoir has been used for recreation and fire protection ever since. Permitted Application 21901 was assigned to the District in 1973. The license was issued to the District at a later date.

The District states that it does not object to the proposed project, but believes that all water rights within its geographical boundaries should be vested in the District. It is concerned about the future needs of the Irish Beach Development, and that it might need the water the Club wants to appropriate under Application 25708.

There were two additional protests against Application 25708 that were dismissed when the applicant and protestants reached an agreement. The protestants were Keijo and Arline Hardy and Lorraine Linscheid. Arline Hardy attended the field investigation as an interested party.

Availability of Unappropriated Water

During the field investigation on July 16, 1979, both the inflow and outflow from the existing reservoir on Moores Creek were observed. It was estimated that about 6,000 gallons per day (gpd) were entering the reservoir and about 3,000 gpd were leaving the reservoir through the spillway. Those present at the field investigation agreed that during the requested season of storage there is normally unappropriated water available.

There are no streamflow gaging stations on Moores Creek. The availability of unappropriated water was estimated by using the average annual rainfall, 50 inches per year, and the area of the drainage basin above the proposed reservoir which is about 130 acres. By using a 0.4 runoff factor, the total runoff was estimated as 220 afa. This is sufficient to satisfy the existing vested water rights as well as the appropriation requested under Application 25708.

Discussion

Application 21901 (License 10564) was filed by William M. and Gertrude J. Moores in 1964. Subsequently, William Moores died and all interest passed to Gertrude Moores. Gertrude Moores assigned all interest in Application 21901 to the District on January 18, 1973. The District received License 10564 on Application 21901 on August 29, 1973.

William M. Moores, son of Gertrude Moores, believes that title to the existing dam on Moores Creek is vested in Mendocino coast properties. It had leased the land exclusively to the Club with provision for title conveyance to the Club.

The Club has been using the existing reservoir for recreation purposes and the project under Application 25708 proposes to increase the recreational facilities available to Club members. If the Club wants to proceed with its plans to drain and clean the existing reservoir, permission would apparently have to be obtained from the District. Development of the proposed project is not dependent upon title to the existing reservoir.

Conclusions and Recommendations

It is concluded that sufficient unappropriated water is available in normal years to satisfy the proposed project and prior vested rights. It is also concluded that the proposed project can make beneficial use of the water.

It is therefore recommended that Application 25708 be approved subject to the following standard permit terms:

5c - The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 14.5 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year.

5i, 6, 7, 8, 9, 10, 11, 12, 13, 40, 43, and 100.

Dated: Oct 29, 1979

Sacramento, CA

L. Keith Bieg

L. Keith Bieg
Associate WRC Engineer